

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

App. No.: **10/798,765**

Title: **ILLUMINATING HIGHLIGHTER AND  
ADVERTISING VEHICLE**

Inventor: Oas, Daniel

Filed: March 10, 2004

) Examiner: Walczak, David J.  
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) Art Unit: 3751  
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**RESPONSE TO OFFICE ACTION MAILED 12/19/2005**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**I. Office Action Requiring Restriction**

On December 19, 2005, the Examiner mailed a non-final office action in relation to the application identified above, requiring elections between two groups of claims that represent two related, but distinct and separate inventions under 35 U.S.C. 121.

**II. Applicant's Response**

In compliance with the Examiner's restriction requirement, Applicant elects, without traverse, invention I of Claims 1-17, drawn to a writing instrument having a light source.

Concurrently, Applicant withdraws Claims 18-23 for the non-elected invention II.

Following MPEP 821.04(b), where restriction was required between a product and a process of making and/or using the product, and the product invention was elected and subsequently found allowable, the withdrawn process claims are eligible for rejoinder if all withdrawn process claims depend from or otherwise require all the limitations of an allowable product claim. Since Applicant believes that the withdrawn method Claims 18-23 require all the limitations of the product Claim 1, Applicant respectfully submits that the withdrawn method Claims 18-23 will be eligible for rejoinder if the product Claim 1 is subsequently found allowable.

Respectfully Submitted,

Date: 04/03/2006

By:



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